

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

FILED
ASHEVILLE, N. C.

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MAY 02 2005

UNITED STATES OF AMERICA,

U.S. DISTRICT COURT
W. DIST. OF N. C.

Vs.

ORDER

CAROLINA SPECIALTY PETS.

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THIS MATTER is before the court upon the court's own motion for defendant to show cause why a contempt Order should not be enforced. A summons was issued by the Clerk of this court requiring the appearance of defendant on April 27, 2005, at 9:45 a.m. At such time, this matter was called for the proceeding to which such summons applied and defendant did not there appear and answer. At such point, the court entered an Order in accordance with 18, United States Code, Section 401(c), finding the defendant in contempt of the court through disobedience of the court's lawful Order, to wit, the summons. In the discretion of the court and in light of the costs incurred by the United States Attorney, the United States Pretrial Services Office, and the court, a \$500 fine was imposed.

The defendant is now directed to appear before the undersigned and show cause if any it may have as to why it failed to appear on April 27, 2005. Further, defendant is advised that since it is a corporation, which is a legal entity separate and distinct from a person, it cannot appear through a shareholder or employee, but must appear through an attorney licensed to practice before the Bar of this court. Dungan & Mitchell, P.A. v. Dillingham Const. Co., Inc., 608 S.E.2d 415, 2005 W.L. 351379, at 4 (N.C.App. 2005).

ORDER

IT IS, THEREFORE, ORDERED that defendant **SHOW CAUSE** at 9:30 a.m. on Friday, May 6, 2005, as to why the court show not enforce its Order of contempt.

The United States Marshal is respectfully instructed to personally serve the registered agent for service of process on such corporate defendant, MS. DIANE WELLS MERZLAK with a copy of this Order at the following addressed as listed by the North Carolina Secretary of State:

Registered Office Address: 57 Pem Dr Unit C Hendersonville NC 28739

Registered Mailing Address: 57 Pem Dr Unit C Hendersonville NC 28739

Principal Office Address: 57 Pem Dr Unit C Hendersonville NC 28739

Principal Mailing Address: 1240 Gracewood Dr Hendersonville NC 28739

